

APPROVED MINUTES

(Approved June 4, 2001)

MONTGOMERY COUNTY REDISTRICTING COMMISSION, 2001

MONDAY, MAY 14, 2001 AT 7:30 PM

Council Office Building

Rockville, Maryland

COMMISSIONERS PRESENT

Shirley Small-Rougeau, Chair

Bill Sher

Jason Tai

Steve Berry

Jayne Plank

William Roberts

Harry Lerch

David Davidson

STAFF

Ed Lattner, Assistant County Attorney

Pamela Zorich, Planner, Park & Planning

Ralph Wilson, Council Staff

Robin Ford, Council Staff

GUESTS

Marie Garber, Chair, 1991 Redist. Comm.

Peggy Erickson, Dacek Office

Sherry Kinikin, Praisner Office

Anita Powell, Lincoln Park Historical Fndt.

George Sauer, MC Republican Cent. Comm.

Dale Tibbitts, Citizen PAC

OPENING REMARKS

Chair Rougeau called the meeting to order at 7:35 PM, and noted that Commissioner Morton could not attend this meeting. She suggested that prior to proceeding, the Commission discuss the agenda, and determine whether or not this meeting was an appropriate time to present draft redistricting plans. Some Commissioners expressed the belief that no plans can be produced before receiving input from the public. Others indicated that public feedback would be minimal until the are plans to pique the interest of the public.

Staff noted that the letter requested by the Commission informing the municipalities and special taxing districts of the Redistricting process and asking them to submit their boundaries was mailed. (This letter, and a list of recipients, was included in the materials distributed at the meeting.) The letter inviting the County Executive and Council and the community organizations will be mailed before the next meeting. Other methods of public outreach, including the Commission's press release and maintenance of the Commission website are ongoing efforts. The Commission decided that the agenda would remain the same, and if, at the time for presentation of draft plans, anyone wanted to make a motion to postpone this agenda item, the option is available.

APPROVAL OF MINUTES

Staff noted that Ms. Zorich and Mr. Wilson submitted revisions to the April 16th minutes, which were incorporated into the current draft. The Commission unanimously voted to approve the April 16, 2001 meeting minutes as submitted.

PRESENTATION BY MARIE GARBER

Mrs. Rougeau introduced Marie Garber, Chair of the 1991 Montgomery County Redistricting Commission. Mrs. Garber provided an overview of the work procedures of the previous Commission. Her discussion included the following information:

Public Outreach

- The 1991 Commission received a high volume of public attention at the group's onset due to its composition. Much of the public objected that there was no up-county representation on the panel.
- The Commission decided early to make it's process and deliberations as open as possible, by holding open meetings to comply with law, and by allowing public comment at each meeting and in essence, making each meeting a public hearing. Other outreach methods were maintaining a comprehensive mailing list of all whom expressed interest in the Redistricting process; ensuring that Commissioners appeared before any community audience that requested a briefing; reporting back to the full group; and having a televised public hearing.
- Mrs. Garber noted that the chief concern expressed by residents was that "communities" (municipalities, civic organizations, and in some cases housing developments, precincts and zip codes) not be split into separated districts.
- She also stated that even though initial public involvement was hostile to the 1991 Redistricting Commission, that high level of public involvement was very helpful. It enabled the Commission to hear all of the varied concerns of County residents, and allowed residents to see that they were not "locked out" of this process. Mrs. Garber encouraged the 2001 Commission to, as quickly as possible, reach out to the County and solicit ideas and concerns regarding the Redistricting process.

Work Process

- Although they were not legally required to, the 1991 Redistricting Commission decided to use whole precincts as the building blocks for the districts.
- The Commission designed an "issue definition and criteria" to help guide and explain the goals of their redistricting efforts.
- The Commission decided to adhere to a maximum variance of 3%, well below the legally required 10%. The variance is determined by the sum of

the number of percentage points that the largest district is above the target percent and the number of percentage points that the smallest district is below the target percent.

Presenting Plans

- Each Commissioner submitted as many plans as they desired for consideration by the Commission. The plans were displayed at each meeting for public comment and were made available for those who requested them.
- By the September public hearing, one plan was voted on as the one to be presented as the draft plan of the Commission, but two other minority plans were also included for comment at the hearing.
- Final decisions on the plan and report text were made at an October meeting.

Questions and Additional Information

- Mrs. Garber encouraged the 2001 Commission to contact the Board of Election Supervisors to determine which, if any, precincts will be split in the near future. It was clarified that even in the event that some precincts are split after the Council acts on the Redistricting Plan, the split precincts would not alter the Council district lines.
- Mrs. Rougeau inquired about the 1991 Commission's request that the Board of Elections change the precinct lines for one precinct. Mrs. Garber stated that the Darnestown community requested the action.
- Staff asked about the format of the public hearing. Mrs. Garber stated that the hearing was held in the COB 3rd Floor conference room, and that 46 speakers participated.
- Mrs. Garber, in response to questions, stated that along with the listing of precincts within municipalities, maps submitted by the municipalities were also helpful in determining community boundaries. Staff pointed out that included in the Commissioners' packets is the *Chevy Chase Redbook*, a document prepared by 11 County municipalities that includes detailed boundary information.

Staff agreed to contact the Board of Elections to receive a list of any planned precinct splits. Mr. Lerch suggested that this information be provided to all Commissioners and possibly included into the GIS computer program so Commissioners can be aware of that information as they conceive plans.

LEGAL ISSUES

Mr. Lattner discussed recent Supreme Court action regarding *Shaw 4* in North Carolina. The Court decided that race was not a predominate factor in the formatting of the district in question, but Mr. Lattner pointed out that this decision did not change any law or alter any of the information presented to the Commission in his earlier legal memo.

Regarding submittal of plans by outside parties, Mr. Lattner indicated that there is no legal process that the Commission is bound by. Any group or individual may submit plans to the Commission and the group can decide if the plan should be considered and to what extent.

Mrs. Rougeau requested clarification on the Open Meetings law and the quorum number of this Commission. Mr. Lattner responded that a quorum was a majority so in the case of the 9 member Redistricting Commission, 5 are the quorum. Under the Open Meetings Law, if 5 members meet, the meeting must be open, notice must be given and minutes must be taken. The law does not apply to "chance meetings" of 5 members of the Commission, and applies to all meetings for the purpose of conducting the business of the Commission. He also indicated that the law applies even in cases of telephone or other technologically enhanced meetings. Regarding the specific example of if a single Commissioner is invited to speak and 4 or more other Commissioners attend that meeting, Mr. Lattner indicated that he did not believe that this scenario would violate the Open Meetings Law. However, he will review the act and follow up with Commissioners.

PRESENTATION OF REDISTRICTING PLANS

Mrs. Rougeau opened the floor for a motion to postpone presentation of any draft redistricting plans until a later meeting. Ms. Zorich indicated that she had received the files for one plan, but had not yet discussed the finished product with the Commissioner involved. She added that the original intention was to receive plans from Commissioners at least a week prior to Commission meetings in order to properly format and reproduce the maps and return them to the Commissioner for final review and presentation at the meeting. Mr. Roberts indicated that the plan sent to Ms. Zorich belonged to him, but that he was not able to review the final product and therefore the plan did not need to be discussed at this meeting. Ms. Zorich stated that Commissioners may also just copy page-size maps on their own for presentation at upcoming meetings, but indicated that along with preparing maps, Park and Planning Staff will also provide supporting handouts and tables to accompany draft plans.

Mr. Davidson indicated that some Commissioners might feel hesitant to put forth a plan prior to significant community input. He noted that it may be the case that the overall feelings regarding Council districts have not changed that dramatically in the last ten years, but pointed to additional questions that still need to be considered for any proposed drafts:

- Should the Commission consider adult population when the legal standard is total population?
- How much variation will the Commission accept? Should the Commission attempt to anticipate future growth or should it strive for districts that are as equal as possible. That decision will impact the size and location of precincts.

- Whether or not to place two incumbent Council members within the same district. (Mr. Davidson noted that it appears to be possible to draft a plan without doing that.)

Mr. Lattner indicated that the Charter requires the districts to be substantially equal, but noted that within the 10% legal variance, the Commission could rationally attempt to anticipate some growth. However, he cautioned that with regards to variance of population districts, less is more. Regarding adult or total population, Mr. Lattner stated that cases have always used total population and have upheld the concept of representational equality over the electoral equality.

Mrs. Plank suggested that, similar to the process used by the previous Commission, this group draft a list of criteria and priority issues for any redistricting plans. Mrs. Rougeau and Mr. Wilson agreed that establishing a philosophy or criteria that the Commission outlines and then follows would be a helpful exercise, both for the Commission and the public following the Commission's work. Mrs. Plank read her personal list of Redistricting criteria to the group. Her list included the following:

- Changes in boundary lines should comply with stated requirements.
- Compact and contiguous districts, if possible.
- Retain municipal and special taxing districts in the same district.
- Assure that recognized communities such as Leisure World or Asbury Village in the same district.
- Consider natural boundaries such as stream valleys and park lands for district dividers.
- Consider the beltway and other major roads and highways.
- Reallocate 2000 population increases by shifting existing precincts as designated by the Board of Elections.

Dale Tibbitts, Citizen PAC, noted that his organization has not yet created a plan for submittal to the Commission, but is considering several draft plans based on differing premises. They have created: 1) a minimal change plan with the current plan just modified to meet updated population numbers, 2) a plan to create more compact districts, 3) a plan to maximize minority influence, 4) and a plan not based on any previous one, but on the County's wedges and corridors and major transportation routes. Mr. Tibbitts indicated that if it would be helpful, he was willing to discuss these options with Commissioners.

Mr. Roberts noted that Mr. Tibbitts' comments raised a fundamental questions for the Commission's consideration; that is, whether the Commission should start with a "blank slate" and redraw lines without regard to existing district boundaries or, on the other hand, whether it should start with the existing district boundaries and move selected precincts between the existing districts in order to minimize, to the greatest extent possible, disruption of the existing districts. He suggested that the latter, a minimal change to existing boundaries might be most appropriate. With regard to the charter

requirement of compactness, he noted that the charter does not require the “most compact” possible, and that the existing district boundaries have already been the subject of a judicial determination that they meet the compactness requirement. He recommended to the Commission that the minimal change approach would be appropriate, thereby leaving communities within the County, to the greatest extent possible, with their existing representation, which those communities have become accustomed to over the past ten years since the last redistricting.

Regarding the idea of anticipating County growth, Mr. Davidson suggested that it may be appropriate to consider future population estimates as projected by Park and Planning. Mr. Roberts stated that, while the Commission is not legally obligated to consider population growth over the next decade in the various districts, since any plan is not going to result in exact equality in population between the various districts, it would make sense to attempt to place any under-variance from the ideal number in those districts which are anticipated to have a higher population growth in the future, such as District 2. He further noted that, while this should not be a controlling factor, assuming an otherwise acceptable plan be prepared, it would make sense to place the under count in districts expected to experience significant growth in the next 10 years, and use the over count to augment the districts that may decrease or remain relatively flat in term so f population over the next 10 years.

Mr. Tai stated that the purpose of re-drawing the lines every 10 years is to account for population shifts and reflect them in Redistricting Plans. He indicated that it would be problematic to attempt to use future growth as a primary factor in the process. He recommended that the Commission use the mandate outlined in the Charter, and advocated following the spirit of the Voting Rights Act of 1965. He noted that, except for the review provided by Mr. Lattner, this issue has not really been considered by the Commission. He stated that given the County’s approximately 40% minority population and that Councilmember Leggett has issued a call for more minority representation on the Council, the Redistricting Commission should be sure to make this a factor when evaluating plans. Mr. Sher agreed with Mr. Tai, but was not clear on how the current County situation should be enhanced by the Commission focusing on the Voting Rights Act, or how the Commission could explore this issue further. Mr. Tai expressed that he does not have any immediate solutions or specific instances to relay to the group, but was merely putting this issue on the table because, up to this point, it had not been a subject of Commission discussion.

Mr. Lattner indicated that both Districts 4 and 5 are total minority/majority districts. (This is calculated by grouping all minorities together, not counting individual minority groups.) Mrs. Plank stated that the Commission should determine the appropriate way to count minorities. Mr. Lattner indicated that in most cases, minority/majority is based on a single group, and that in those instances, there are still issues of whether or not the group acts cohesively. Mrs. Rougeau stated that minority groups are made up of varying nationalities, classes and other distinguishing characteristics that produce differing perspectives and concerns. She further stated that not all people of any group, minority or majority, will have similar concerns based on

race or ethnicity. Mrs. Rougeau added that it is the Commission's responsibility to keep this issue present in discussions and planning, and listen to all the County's constituencies regarding Redistricting. Mr. Tibbitts added that there are statistical methods to ascertain minority voting data and patterns to determine if minority populations are routinely unsuccessful at electing their desired representative. He noted that the Montgomery County population may not be large enough and concentrated enough to significantly influence this process. Mrs. Rougeau noted that many minority groups within Montgomery County recognize that the minority vote alone is not substantial enough to elect a representative.

Mrs. Rougeau asked Mr. Davidson to develop a proposal to advise the Commission on how to incorporate future population growth data into its planning process. Mr. Davidson indicated that he would give the idea some thought and follow-up with the Commission. Ms. Zorich also indicated that the Planning Board does produce population projections out to 2010 and/or 2020 by Planning Area, and that she will provide that information to the Commission.

COMMISSION WORK PROGRAM AND SCHEDULE

In her presentation, Mrs. Garber stated that it was beneficial that the 1991 Commission held meetings in various areas of the County. Mrs. Rougeau noted that at the last Commission meeting, the group voted not to hold meetings around the County, but to hold the next two meetings in Rockville. She stated that given the presentation by Mrs. Garber, the Commission may want to consider altering the location for the next two meetings. Mr. Berry suggested that the Commission eventually meet in the Olney area when plans are available for community consideration. Mr. Tai reiterated his feelings that the Commission should attempt to solicit public comment prior to developing any draft plans in order to allow the Commission to consider any issue raised when drafting any plans for public review. Whether or not people participate in this process, allowing the opportunity would provide transparency and allow for more public participation in the Redistricting process. Mrs. Plank indicated that this Commission has already agreed to individually go out and speak to any interested groups and report back any issues or concerns to the full group. Staff also noted that the Commission has instructed Staff to send letters inviting comment from specific County organizations on the Redistricting process. Several Commissioners noted that when the Commission presents draft plans, public comment will increase.

The September meeting is projected as the public hearing and therefore the Commission has three months to put together plans for consideration. Mr. Davidson noted that it would be better to schedule the community Commission meetings at the July and August meetings, as the June meeting was identified for presentation of draft plans. In addition to Olney in District 2, Districts 1 and 4 were also suggested as sites for future community Redistricting meetings. Mrs. Rougeau asked Mr. Berry to assist Staff in determining the appropriate location for the Olney meeting. The Commission will consider coordinating Redistricting Commission meeting with meetings of the Up-County Advisory Committees, which meets at community Regional Service Centers.

Staff indicated that to complete all the work necessary for the public hearing, the group might have to schedule additional meetings. Mr. Lattner pointed out that the Commission is not legally obligated to conduct a public hearing. Mrs. Rougeau again encouraged all Commissioners to contact their Council members to determine any specific issues that should be brought before the Commission.

Mrs. Zorich indicated that several maps were created for the 1991 Commission and not all of those were eventually present for public consideration. She cautioned against allowing too much time to pass without having at least draft maps on the table that can then go through the process of Commission discussion and revision before presentation to the public. She encouraged Commissioners to attempt to have maps at the next meeting. Mrs. Rougeau pointed out that when the 1991 Commission had meetings in various communities, although at that point, several maps had been presented for Commission discussion, those maps were not always brought before the public at those remote meetings. Mrs. Rougeau further indicated that while Commissioners are not required to submit plans, any one that plans to submit draft plans should try to have them ready for the June meeting. Mr. Tibbitts suggested, and the Commission agreed, that all submitted drafts should include accompanying text explaining the basis or objective of the specific maps.

Mr. Lerch suggested that Staff alert the media about our meetings. Staff indicated that one press release was distributed to the media and is now on the Redistricting website. At some point, it may be appropriate to send press releases after each Commission meeting.

The Commission made the following changes to the meeting schedule:

- Locations and times for the July 9th and August 6th meeting are still to be determined.
- The Public Hearing is scheduled for Wednesday, September 12th, 7:00 PM in the COB 7th Floor Hearing Room.
- The October meeting will be held on Wednesday, October 3rd. (Time and location to be announced.)
- The remainder of the meeting schedule was not changed.

ADDITIONAL BUSINESS

The Commission agreed that Staff should post Commission meeting minutes on the Redistricting website after they have been approved. The Commission also indicated that, at the appropriate time, maps that will be presented at the public hearing should also be posted on the website. (www.co.mo.md.us/council/)

NEXT MEETING

The next meeting will be held on June 4th, in the COB 5th Floor Front Conference Room, at 7:30 PM.

The meeting adjourned at 6:30 PM.

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APPROVED MINUTES
(Approved August 6, 2001)

MONTGOMERY COUNTY REDISTRICTING COMMISSION, 2001
MONDAY, JUNE 4, 2001 AT 7:30 PM
Council Office Building
Rockville, Maryland

COMMISSIONERS PRESENT

Shirley Small-Rougeau, Chair
Andrew Morton, Vice Chair
Bill Sher

Steve Berry
Jayne Plank
William Roberts
Harry Lerch
David Davidson

STAFF

Ed Lattner, Assistant County Attorney
Pamela Zorich, Planner, Park & Planning
Ralph Wilson, Council Staff
Robin J. Ford, Council Staff

GUESTS

Nguyen Chau, Garrett Park Councilmember
Peggy Erickson, Dacek Office
Ronald Vaughn, City of Takoma Park
Luisa Sauseda, Hispanic Democratic Club
George Sauer, MC Republican Cent. Comm.
Dale Tibbitts, Citizen PAC
Charles Wolff, Citizen PAC

OPENING REMARKS

Chair Rougeau called the meeting to order at 7:35 PM, and noted that, due to illness, Commissioner Tai could not attend this meeting. All meeting guests introduced themselves to Commissioners and Staff. Mrs. Rougeau stated that her mailing address and home phone number have changed. The new information is listed below:

15111 Glade Avenue, 121C
Silver Spring, MD 20906
(h) 301-438-4634

APPROVAL OF MINUTES

Staff noted that Mrs. Rougeau and Mr. Roberts both submitted revisions to the April 16th minutes, which were incorporated into the current draft. The Commission unanimously voted to approve the May 14, 2001 meeting minutes as corrected.

PUBLIC OUTREACH UPDATE

Ms. Ford reported that the letters informing both Councilmembers and community groups about the Redistricting Commission were sent and included in the information packet distributed at the meeting. Staff also reported that several groups and individuals have requested that they receive Redistricting information via e-mail.

MEETING SCHEDULE

At the last meeting, the Commission discussed hosting the July and August meetings around the County – specifically in Olney and an additional up-County location. Mrs. Plank reported that the incoming president of the Montgomery County Chapter of the Municipal League, Mayor Johnson of Poolesville said that the next Chapter meeting was scheduled for Thursday, September 20th. He will recommend that Redistricting be on the Agenda. Interested Commissioners should plan to attend to make a presentation of our proposals, answer any questions and bring comments back to the full Commission.

Because no firm arrangements have been made to host the July 9th meeting elsewhere, the Commission agreed to have the meeting at COB at 7:00 PM.

Commissioner Berry stated that he would work with Staff to arrange for the August 6th Redistricting Commission meeting to be held in Olney. He suggested the Olney Library, Longwood Recreation Center, Cashell Manor, and the Olney Swim Center. Several Commissioners also suggested Gaithersburg locations including the Casey Barn and Summit Hall Farm. Staff will check on the availability of each of these locations for the August 6th meeting and report back to the group.

Commissioner Davidson requested that the September public hearing be changed from Wednesday, September 12th, to its original date of Monday, September 10th. Staff will check on the availability of September 10th and report back to the group.

POTENTIAL BOARD OF ELECTION PRECINCT SPLITS

Per the Commission's request, Mr. Wilson contacted Sara Harris, Acting Chair of the Montgomery County Board of Elections, to get more information on possible precinct splits. Ms. Harris indicated that while, at this time it is too early to know exactly what precincts will be considered, the Board's policy is to review any precinct with a population above 4,000 as a candidate for splitting. While noting that this is only a partial list, Ms. Harris did list some of the precincts that will probably be considered for a split based on population, including: 2-01, 6-06, 6-07, 9-27, and 13-54. Ms. Harris stated that the Board would not make its final decision until the State election districts are determined. Therefore, this information will not be available in time for this Commission to incorporate results into the 2001 Redistricting Plan.

The Commission raised additional questions regarding the specific criteria for determining which precincts to split, and whether the Board of Elections splits precincts or simply shaves off some of the population of one and adds them to another existing precinct. The Commission also discussed how the capacity of the voting facilities and availability of election judges factors into the decision to split precincts. Mrs. Rougeau inquired as to whether or not the Board would be receptive to suggestions from the Commission to split precincts. Both Dale Tibbitts and Staff stated that the Commission has the authority to submit a plan with split precincts. To get the Board's responses to these questions, the Commission requested that Staff invite Ms. Harris to the July 9th meeting to discuss the criteria for determining precinct splits.

REDISTRICTING PLANS

Mrs. Rougeau opened the floor for presentations of any draft redistricting plans developed by Commissioners. Commissioner Plank and Commissioner Roberts presented plans, maps and memorandums explaining the details of the plans to the Commission. Ms. Zorich brought a laptop computer loaded with the ArcView GIS program and equipment to project both plans onto the wall for all to view.

PLAN C – submitted by Commissioner Plank

Plan C recommends that twelve precincts be moved to achieve Commissioner Plank's priority goal that the majority of citizens retain the same District representative that they elected in the last election. Commissioner Plank's primary goal is that the majority of citizens retain the same District representatives as they elected in the last election, while achieving more equal distribution of the 2000 population increases, and assure that municipalities, special taxing districts and communities remain in the same district. For additional Plan goals and specific details of Plan C, please refer to Jayne Plank's June 4, 2001 memo. Plan C recommends the following changes:

<u>In Council District 5</u>	from District 4 to District 5	Precincts 13-44, 13-11
<u>In Council District 4</u>	from District 4 to District 5	Precincts 13-44, 13-11
	from District 2 to District 4	Precincts 8-6, 8-8, 8-10
	from District 3 to District 4	Precincts 4-19, 4-34
<u>In Council District 3</u>	from District 1 to District 3	Precinct 4-26 (annexed by Rockville)**
	from District 2 to District 3	Precincts 9-7, 9-28
	from District 3 to District 1	Precinct 4-28, 4-15
	from District 3 to District 4	Precinct 4-19, 4-34
<u>In Council District 2</u>	from District 2 to District 3	Precincts 9-7, 9-28
	from District 2 to District 4	Precincts 8-6, 8-8, 8-10
<u>In Council District 1</u>	from District 1 to District 3	Precinct 4-26 (annexed by Rockville)**
	From District 3 to District 1	Precinct 4-28, 4-15

***NOTE: While the memorandum for Plan C recommends that precinct 4-28 be shifted from Council District 3 to Council district 1 and precinct 4-26 from Council District 1 to Council District 3, the map accompanying Plan C shows precinct 4-28 in Council District 3 and precinct 4-26 in Council District 1. Mrs. Plank stated that the memo is correct and that the map is incorrect.**

****NOTE: Precinct 4-26 was not annexed by Rockville, as indicated in Plan C.**

Plan A – submitted by Commissioner Roberts

The goals of Plan A are outlined in the memorandum by Commissioner Roberts. The memo also included information on the population deviation on Plan A, stating that the greatest deviation below the optimal district population of 174,668 is Council District 2 at -2.26%. The greatest deviation above the target population figure is Council District 5 at 1.51%. Mr. Roberts also pointed out that item #3 on page 2 of his memo is no longer relevant and should be ignored. For specific information on the goals or details of Plan A, please refer to William Roberts' June 4, 2001 memo.

Mr. Roberts pointed out that, because Mrs. Plank had corrected her maps by noting that precinct 4-28 was intended to be moved from Council District 3 to Council District 1, the recommendations of Plan C are identical to those in Plan A. Mrs. Plank noted a slight difference between the plans; Plan C assigns 4-26 to Council District 3 while Plan A has it in Council District 1. Since assigning precinct 4-26 to Council District 1 reduces the percent variation from the target population number, Mrs. Plank supported Plan A.

After the submitters of Plans A and C agreed on a common plan, Ms. Zorich suggested that the two plans be merged into one Plan B for consideration by the Commission. The Commission agreed to accept Plan B as the proposed plan option submitted at the meeting reflecting the unified position of Commissioners' Roberts and Plank. Ms Zorich will have maps and data tables for newly created Plan B at the next Redistricting Commission meeting.

Regarding the information supplied in the tables provided with each plan, Ms. Zorich stated that for this initial presentation, the tables include population and racial information for districts and precincts. However, if the Commission would like to see additional information included in the tables, please let her know and she will attempt to include that data. Mr. Lattner suggested that future maps show both the proposed district lines as well as the current district lines to clearly show where changes are recommended.

DISCUSSIONS AND QUESTIONS ON PLANS

The Commission discussed some of the community impacts of the proposed Plan B, specifically on Montgomery Village precincts. It was pointed out that several neighborhoods or smaller communities that fall under larger communities, may or may not identify

themselves by the larger community name. Mr. Tibbitts noted that while a goal of the Commission may be to keep legally recognized municipalities and communities together, it may be more difficult to attempt to keep un-official communities within the same district.

Ms. Chau of Garrett Park raised the issue of the impact of Council redistricting on school districts and clusters, and on the political influence of certain communities. Mr. Morton indicated that it would be highly unlikely that the Redistricting effort would cause residents to attend school in one Council district but live in another. He stated that it could, however, result in a shift of the Councilmember that a certain resident or community was represented by. Mr. Tibbitts disagreed with that conclusion, noting that school clusters are made up of several precincts and removing one precinct from a cluster and putting it into a different Council district could result in residents living in an area represented by one person, but going to school in an area represented by another.

Ms. Chau also mentioned the impact that redistricting can have on the political power of the County's minority populations. She specifically noted that when a minority population is grouped together or lives together, they have more political influence. Mr. Morton indicated that the most the Redistricting Commission could do to try to minimize confusion regarding precincts and representatives is to keep precincts together when recommending shifts or changes.

The Commission voted unanimously to merge the two plans and recognize that the new **Plan B** as the first plan to be presented for consideration by the Redistricting Commission.

ADDITIONAL BUSINESS

As requested by the Chair, Mr. Davidson distributed data on future growth in the County's planning areas for Commission consideration. Ms. Zorich also distributed a Park and Planning pamphlet containing similar information on population forecasts.

Mrs. Rougeau asked Mr. Tibbitts about any plans being developed by Citizen PAC. He indicated that he has been working on a plan to maximize minority influence as an effort to see what a Montgomery County minority/ majority district would look like. He stated that the maximum district minority population he has been able to achieve is 63.5% of the population. Mr. Tibbitts clarified that for his purposes, "minority population" equals total population minus non-Hispanic Whites, meaning that all the minorities were grouped together. Mr. Tibbitts may have this and/or other plans ready for the next meeting.

Mrs. Rougeau reminded the Commission to contact Pamela Zorich and Walter Robinson of Park and Planning Staff, or Robin Ford for access to the GIS software.

NEXT MEETING

The next meeting will be held on Monday, July 9th, in the COB 5th Floor Front Conference Room, at 7:00 PM.

ADJOURNMENT

The meeting adjourned at 9:20 PM.

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(Approved August 6, 2001)

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MONDAY, JULY 9, 2001 AT 7:00 PM
Council Office Building
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COMMISSIONERS PRESENT

Shirley Small-Rougeau, Chair
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Bill Sher
Jason Tai
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William Roberts
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David Davidson

STAFF

Pamela Zorich, Planner, Park & Planning
Robin J. Ford, Council Staff

GUESTS

Sara Harris, Board of Elections
Paul Valette, Board of Elections
Joy Nurmi, Praisner Office
Peggy Erickson, Dacek Office
Milton Minneman, District 15 Dem. Caucus
Rosalie Silverberg, Asbury Methodist Village
Bettina Curtis, Asbury Methodist Village
Jacqueline Hall, Asbury Methodist Village
H. Hall, Asbury Methodist Village
Randy Scritchfield, Damascus Alliance
Dale Tibbitts, Citizen PAC
Charles Wolff, Citizen PAC
Vince Renzi, West Mont. Co. Citizens Assoc.
Susan Heltemes, MCDCC
Anita Powell, Individual
Andy Reed, Individual

OPENING REMARKS

Chair Rougeau called the meeting to order at 7:07 PM, and asked Commissioners, Staff and guests to introduce themselves to all those in attendance. Mrs. Rougeau announced that she attended a meeting of the Democratic Central Committee and discussed redistricting issues at that gathering. In her opening remarks, Mrs. Rougeau also expressed her belief that the redistricting process is not a race to submit numerous plans for consideration, but is rather a process to draft plans that are fair and equitable to the community for deliberation and comment by the public and the Commission. If possible, the Commission should come to

consensus on a single plan, which will be presented to Council for approval. Mrs. Rougeau encouraged community input during all stages of the redistricting process.

APPROVAL OF MINUTES

Prior to the approval of the June 4th minutes, Pamela Zorich, Park and Planning Staff, clarified the differences between Plans A and C as submitted, and explained why Plan B was ultimately chosen for Commission consideration. Initially, it was believed that the only difference between plans A and C was the placement of precinct 4-28. When Plan C was presented, Commissioner Plank's map indicated that 4-28 was located in Council District 1. At the June 4th meeting, Mrs. Plank indicated that the map was incorrect and that 4-28 was intended to be placed in Council District 3. With that correction, Plan C appeared to be the same as Plan A submitted by Commissioner Roberts.

However, there was another difference between the two plans. Unlike Plan C, Plan A assigned precinct 4-26 to Council District 1, and therefore had a lower percent deviation from the target number than Plan C. Because of the better percent deviation, Mrs. Plank agreed to support the Robert's Plan, and the two were merged into Plan B for Commission and public consideration.

Additional language clarifying the merging of the two plans was included in the June 4th minutes, and both Commissioners Plank and Roberts agreed that the new language effectively reflected what had occurred. However, Mrs. Plank had additional changes to the minutes, and therefore the Commission agreed to postpone approval of the June 4th minutes to the August 6th meeting.

Commissioner Lerch also requested that, for clarification, the minutes should state Council or Election district, instead of using 'district'.

DISCUSSION OF POSSIBLE PRECINCT SPLITS

At the June 4th meeting, the Commission raised questions about potential precinct splits within the County, and requested that Sara Harris of the Board of Elections attend this meeting and discuss this issue. Mrs. Harris stated that the Board of Elections makes the final decision on any precinct splits, and considers not only Council district lines, but also Legislative, School Board and natural boundaries. She also stressed to the Commission that there will not be a single precinct sharing two Council, Legislative, Congressional or School Board districts.

At this early time in the process, the Board is not targeting any precincts for splits, but is reviewing all precincts with population of registered voters greater than 4,000. Mrs. Harris listed the following precincts as those with a registered voter population above 4,000:

2-1, 6-6, 6-7, 9-27, and 13-54 (Leisure World community)

Mrs. Harris also stated that, where the population of registered voters is below 1,000, the Board is also reviewing those precincts for possible merges. While she was not able to list specific precincts, she indicated that the majority of those small precincts were within the 4th, 5th, 7th, and 13th election districts. Some Commissioners noted that the potential precinct merges may have more impact on the Council redistricting process than the splits.

PUBLIC COMMENT

Mrs. Rougeau welcomed comments from anyone present at the meeting representing individual or group concerns.

Rosalie Silverberg spoke on behalf of the **Asbury Methodist Village** community. Currently, the Asbury Methodist community is split between two precincts (9-28 and 9-1) and two Council districts (precinct 9-28 is in Council District 2 and 9-01 is in Council District 3). Mrs. Silverberg stated that the Asubury community desires to be in one Council district and in one election precinct. Mrs. Silverberg recognized that the Redistricting Commission does not make recommendations on altering precinct boundaries, but she was grateful that Sara Harris of the Board of Elections was also in attendance to hear her request. Mr. Morton noted that proposed Plan B does place precincts 9-28 and 9-01 within a single Council district – District 3. Please see Mrs. Silverberg's written statement for further details on her testimony.

Henry Miller, President, Germantown Democratic Club requested that the Redistricting Commission keep the Germantown community in one Council district. He stated that the eleven Germantown election precincts (2-2, 2-3, 2-4, 2-5, 6-7, 9-8, 9-18, 9-25, 9-26, 9-29, and 9-30) are currently within Council District 2 and the community would like to maintain that cohesiveness. Mr. Miller also stated that part of precinct 2-1 is in Germantown. Mr. Morton noted that proposed Plan B does keep the Germantown precincts within Council District 2.

DISCUSSION OF COMMISSION WORK SCHEDULE

Ms. Ford noted that only one additional Commission worksession was scheduled prior to the September Public Hearing. She asked the Commission if it would be necessary to schedule an additional Commission meeting after the August 6th meeting but before the Public Hearing to provide an opportunity to consider additional proposed plans that may be presented at the hearing.

The Commission discussed the purpose of the public hearing process and the role of public comment on the creation of draft plans. Mr. Davidson and Mr. Sher indicated that in their view, the purpose of the public hearing is to receive community input and consider the issues and concerns raised by the community before creating draft plans. Mrs. Plank stated that she believed the purpose of the public hearing is to present the public with the first draft of plans from the Commission and then consider the issues and concerns raised by the community when making refinements to those plans.

Mr. Morton noted the limited time between today's July 9th date and the public hearing, and stated that the Commission should have the opportunity to review all plans that

will be presented as Commission plans at the public hearing before the hearing. He requested that Chair Rougeau indicate that all Commission plans that are intended for public presentation as Commission plans at the public hearing be completed and available for Commission review at the meeting preceding the public hearing. Chair Rougeau agreed that no plans would be introduced for the first time at the public hearing.

Mr. Roberts agreed with Mr. Morton's request and recommended that the Commission act on a motion stating that request. Mr. Roberts proposed language for the motion and the Commission conducted a detailed discussion regarding the specific wording of the motion. Specifically, the Commission discussed whether the motion should include language requiring the *approval* of plans to be presented at the hearing, or was Commission *review and/or acceptance* of plans adequate for public presentation.

Mr. Tai noted that he is uncomfortable that the Commission has to approve or take an affirmative vote to present plans to the public at the hearing. He stated that if the concern was that the Commission received the maps prior to the hearing than it should be sufficient to move that all maps be distributed to all members of the Commission prior to the hearing. Mr. Roberts responded that the Commission's responsibility is to not only receive, but to deliberate and consider any draft plans and have an opportunity to fine tune or make revisions to plans if necessary as was the case with merging Plans A and C into Plan B. He further stated that it is the Commission's responsibility to cut through the potentially large number of plans down to a small number that are acceptable to go to the public. Mr. Roberts stated that it is the responsibility of the Commission to eliminate from the public hearing package any plans that are not viable and do not have the support of anyone on the Commission. Mr. Morton added that the Commission should ensure that any plan presented at the public hearing comport with the Constitution, State Law and the County Charter.

After the discussion, Mr. Roberts moved that the Commission consider the following motion:

Any plan to be accepted as a proposal for the public hearing by the Commission must be received, reviewed and subject to an affirmative vote by a majority of a quorum of the Commission at least two calendar weeks prior to the public hearing.

Commissioner Morton seconded Mr. Roberts amended motion and the Commission approved it 5-4 with Commissioners Roberts, Morton, Davidson, Lerch and Plank in favor, and Commissioners Rougeau, Tai, Sher, and Berry opposed.

It was clarified that this motion did not prevent a Commissioner from speaking as an individual and introducing a new plan at the public hearing. This motion only impacts plans that will be presented at the public hearing as Commission sponsored plans.

Commissioner Davidson also indicated that his support for the motion was based on the assumption that an additional meeting would be scheduled two weeks before the public hearing to allow the Commission the opportunity to accept all plans for presentation at the

public hearing. **The Commission agreed that if necessary, an additional meeting will be held on August 20th to consider draft plans before the hearing.** Several Commissioners indicated that additional draft plans would be presented at the August 6th meeting and the meeting on the 20th may not be necessary. Mr. Davidson also stated, and the Commission agreed, that this motion does not prohibit plans from being submitted after the public hearing.

Staff also raised the idea of scheduling additional community meetings. The Commission discussed that issue, and concluded that the current schedule was satisfactory.

PUBLIC HEARING PROCESS

The Commission indicated to Staff that it had agreed at the last meeting to change the meeting date from September 12th to September 10th to allow Mr. Davidson to attend the hearing. Ms. Ford indicated that she would reflect the date change and report back to the Commission on the hearing room that will be used on the 10th.

Ms. Ford also distributed information detailing the rules and format used by the 1991 Redistricting Commission at their public hearing and recommended that the current commission follow similar rules. Staff recommended that, as is the policy for Council sponsored public hearings, individuals be allotted three minutes to speak and groups (including municipalities, civic associations, and any other established organizations) be allotted five minutes to speak before the Commission. Mr. Lerch suggested that three minutes may not be enough time to allow individuals to express their views. The Commission determined that the individual limit should remain, but noted that the Commission Chair does have the discretion to question those who testify and allow people to speak longer than the time limit.

The Commission also noted that the official record can be open for several days after the public hearing to allow the public to submit written testimony if the time at the public hearing was not sufficient. The Commission considered requiring all speakers to provide written testimony along with any oral presentation, but decided against requiring written testimony, stating that encouraging written testimony would be adequate. The Commission did agree that all individuals and groups who submit draft plans to the Commission must also submit a written rationale or description of the plan. Staff also noted that transcripts will be made available and that the public hearing will be aired on the local Cable channel.

In response to a question by Mr. Tibbitts, the Commission agreed that members of the public are responsible for producing their own plans and describing their own plans. Park and Planning and other Commission staff will not process and create maps and PowerPoint presentations for individual and community maps. The public can request base precinct maps and precinct population data from Council or Park and Planning staff and create their own maps to present at the public hearing. Also, Council Staff will check on the availability of an overhead projector to allow the public use transparencies to present plans to the Commission at the hearing. Mrs. Rougeau also added that several individuals or groups may have their own laptop computers and will have PowerPoint presentations to view at the hearing. Mrs. Plank suggested when people call to sign-up to speak at the Redistricting Commission public

hearing, they should be informed of the availability of the overhead projector and any other technology that they can use when presenting draft plans.

Mr. Tibbitts also encouraged the Commission to not only listen to the presentation and comments at the Public Hearing, but engage the speakers and ask questions to create a meaningful dialogue about the issues and concerns regarding the Commission's task.

The Commission also discussed whether the September 10th meeting should be called a Meeting for Public Comment or a Public Hearing. The Commission agreed that Public Hearing is appropriate and may result in greater public response and participation.

NEXT MEETING

The next meeting will be held on Monday, August 6th, at the Olney Library (3500 Olney Laytonsville Road – Route 108), at 7:00 PM. Commissioner Plank stated that announcements for the Olney meeting should not only include the address, but directions to the library.

TENTATIVE MEETING – Monday, August 20th, COB 5th Floor Conference Room, 7:00PM.

ADJOURNMENT

The meeting adjourned at 8:56 PM.

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APPROVED MINUTES
(Approved – August 20, 2001)

MONTGOMERY COUNTY REDISTRICTING COMMISSION, 2001

MONDAY, AUGUST 6, 2001 AT 7:00 PM

Olney Public Library
Olney, Maryland

COMMISSIONERS PRESENT

Shirley Small-Rougeau, Chair
Bill Sher
Jason Tai
Steve Berry
Jayne Plank
Harry Lerch
David Davidson

STAFF

Ralph Wilson, Council Staff
Carol Edwards, Council Staff
Robin J. Ford, Council Staff
Pamela Zorich, Planner, Park & Planning
Ed Lattner, County Attorney's Office

COMMISSIONERS ABSENT

Andrew Morton
William Roberts

GUESTS

Carole Brand, Women's Suburban Democrats
Dale Tibbitts, Citizen PAC
Charles Wolff, Citizen PAC
Joy Nurmi, Praisner Office
Peggy Erickson, Dacek Office
Nathaniel Massaquoi II, Olney Resident
Peter Esser, Partnership for a Unified Olney
Dean Ahmad, Montgomery County Civic
Federation
Glenn Howard, Libertarian Party
Nguyen Minh Chau, Councilmember
Town of Garrett Park
George Sauer, Republican Central Comm.

OPENING REMARKS

Chair Rougeau called the meeting to order at 7:00 PM, and asked Commissioners, Staff and guests to introduce themselves to all those in attendance. Mrs. Rougeau suggested that because four new plans were being presented at this meeting, both Commissioners and the public could benefit from using the first half-hour of this meeting to view the wall-sized maps of each plan to get an idea of what would be discussed later in the meeting. She indicated that this review time would also allow Commissioner Morton time to arrive at the meeting, as he had already informed the Chair that he would be about a half-hour late. Commissioners Plank

and Lerch pointed out that it may be more beneficial to let the authors of each plan present the plan and the accompanying rationale instead of just considering the precinct maps. The Commission agreed that each author should briefly review their plan.

PLAN B

Commissioner Plank discussed the goals of Plan B, which included enabling a majority of citizens to retain the same District representatives they elected in the last election, achieving more equal distribution of the 2000 population increases, assuring that municipalities, special taxing districts and communities remain in the same district, and following natural boundaries. She also stated that the maximum variation of the plan is 3.67%, and reviewed the twelve precinct shifts (from one Council District to another) as listed below:

<u>In Council District 5</u>	from District 4 to District 5	Precincts 13-44, 13-11
<u>In Council District 4</u>	from District 4 to District 5 from District 2 to District 4 from District 3 to District 4	Precincts 13-44, 13-11 Precincts 8-6, 8-8, 8-10 Precincts 4-19, 4-34
<u>In Council District 3</u>	from District 2 to District 3 from District 3 to District 1 from District 3 to District 4	Precincts 9-7, 9-28 Precinct 4-28, 4-15 Precinct 4-19, 4-34
<u>In Council District 2</u>	from District 2 to District 3 from District 2 to District 4	Precincts 9-7, 9-28 Precincts 8-6, 8-8, 8-10
<u>In Council District 1</u>	from District 3 to District 1	Precinct 4-28, 4-15

In addition, Mrs. Plank indicated that Plan B fulfills the request of both the Asbury Methodist and Germantown communities by moving precinct 9-28 into Council District 3 and by keeping the Germantown community all in one Council District. Commissioner Lerch pointed out that Plans B, D, and E fulfill the request of the Randolph Hills Civic Association to keep that community in one Council District.

Commissioner Berry inquired as to why District 2 precincts 8-6, 8-8 and 8-10 were moved to District 4 and District 3 precincts 4-19 and 4-34 were moved to District 4. He specifically expressed concern about moving the Olney precincts. Mrs. Plank responded that the precincts were moved to reduce size and population in District 2 and allow for future growth that is expected in District 2. These minimal changes balance the population to the maximum variation of 3.67 from the target ideal population for all the Districts as noted above. Mrs. Rougeau pointed out that communities and Commissioners may have differing views on which precincts make up Olney and Greater Olney. She indicated that it may be helpful for any audience members who can comment on the Olney boundaries to do so during the public comment portion of the meeting.

PRESENTATION OF NEW DRAFT PLANS

PLAN D

Commissioner Davidson presented Plan D, which he and Commissioner Sher drafted. Mr. Davidson discussed the goals of Plan D, which were to meet charter requirements, preserve the core of existing districts with minimal displacement, place precincts within a single district, ensure that municipalities and special taxing districts were in one Council district, honor the desires of communities to be placed in one Council District, avoid displacing incumbents, and minimize population variances. Plan D has a variance of 2.25%. Commissioners Davidson and Sher distributed a memorandum discussing Plan D.

Plan D makes the following precinct changes:

Moves 4-15, 4-23, and 4-28 from Council District 3 to 1.

Moves 6-3, 6-5, 9-22, and 9-23 from Council District 3 to 2.

Move 9-28 from Council District 2 to 3.

Move 8-3, 13-43, 13-46, 13-51, 13-52, and 13-60 from Council District 4 to 3.

Move 8-1, 8-2, 8-5, 8-6, 8-7, 8-9, 8-10, and 8-11 from 2 to 4.

Move 13-44 and 13-57 from Council District 4 to 5.

APPROVAL OF MINUTES

The Commission interrupted the presentation of plans to approve the minutes of the previous two meetings. After agreeing to a minor change in the July 9th minutes pointed out by Commissioner Plank, the Commission voted unanimously to approve the June 4th and July 9th minutes as amended. Commissioner Davidson stated, for clarification, that after the September public hearing, Commissioners will be allowed to make changes to already submitted plans. Chair Rougeau agreed with that statement.

PRESENTATION OF NEW PLANS

PLAN E

Commissioner Berry indicated that he drafted two plans for Commission consideration. Mr. Berry explained that the goals of Plan E were very similar to the other plans with regards to meeting charter and legal requirements; respecting political subdivisions, communities of interest, and incumbents; and preserving the core of existing districts. However, in order to maintain the boundaries of established communities, Plan E does not attempt to have the smallest possible variance percentage. The variance for Plan E is 9.11%, which is legally under the 10% limit set by the charter, but is high. Commissioner

Berry distributed a memorandum discussing Plan E. In it, Mr. Berry indicated that working to achieve nearly equal district population would always divide an existing community.

Plan E removes population from Council District 2 by moving the communities of Olney, Brookeville, Sandy Spring, Ashton, Brinklow, and Sunshine into Council District 4. Plan E moves the following precincts:

From Council District 2 to 4: 8-1, 8-2, 8-5, 8-6, 8-7, 8-9, 8-10, 8-11

From Council District 3 to 2: 9-22 and 9-23

From Council Districts 3 to 1: 4-15, 4-23, and 4-28

From Council District 4 to 5: 13-11, 13-44, and 13-57

From Council District 2 to 3: 9-28

Peter Esser, representing Partnership for a Unified Olney, indicated that in many ways, the disparate communities that make up the Greater Olney are a cohesive community. He stated that the area has its own Gazette newspaper, its own Master Plan region and is in one planning area. He further indicated that the western boundaries of Olney are between Muncaster Mill and Bowie Mill Roads, the eastern boundary is Ashton, the southern boundary is Emory Lane, and the northern boundary is the Howard County line. He considers the following precincts within the Greater Olney community: 8-1, 8-2, 8-5, 8-6, 8-7, 8-9, 8-10, and 8-11. He further indicated that of all the plans presented, Plan D keeps most of the Olney community intact.

PLAN F

Commissioner Berry indicated that his second plan, Plan F, is an attempt to keep the Olney community minimally impacted, while achieving a better population percent variation. Other than this difference, Plan F shares the goals of Plan E. Plan E divides the Greater Olney area by its more rural, western portion (which includes Sandy Spring, Ashton, and Brinklow) with the more urban communities of Olney and Brookville. Plan E puts Olney's more rural precincts in Council District 4 and leaves the eastern precincts in Council District 2. Mr. Berry distributed a memorandum that discussed Plan F. Plan F moves the following precincts:

From Council District 2 to 4: 8-6, 8-7, and 8-10.

From Council District 3 to 1: 4-15, 4-20, 4-23, 4-27, and 4-28.

From Council District 4 to 5: 13-44

From Council District 1 to 5: 4-8 and 4-26

From Council District 2 to 3: 9-28

Although currently Plan F places precinct 4-20 and 4-23 in Council District 1, it may be more appropriate to keep them in Council District 3.

Jeanne Snyder of Sandy Spring, expressed support for Plan F, stating that she has not had much interaction from her District 2 Council representative, possibly because of how large that district is. She indicated her belief that Mrs. Dacek may not be as responsive to the eastern half of District 2 because she lives on the western side. Marie D'Maria also expressed support for Plan F, stating that she was happy in District 2, but that it is clear that the district is too large. Commissioner Sher indicated that one of the goals of the redistricting process is to create compact Council districts that allow for better representation by elected officials. Removing population from District 2 helps to meet that goal. Ms. Chau, Councilmember from Garrett Park, asked why precincts 4-8 and 4-26 were moved from Council District 5 to 1, and Mr. Berry responded that in this plan, Council District 5 needs more population to meet the optimal percent variance.

PLAN G

Chair Rougeau presented Plan G, and stated that, along with the other goals mentioned by Commissioners, one of her goals for Plan G is not to burden Councilmembers with extremely large Council Districts that are difficult to represent. She stated that some of the plans presented make Council District 4 too large, and Plan G is an effort to provide more balance in that area. Plan G separates the Greater Olney community generally along Georgia Avenue. The maximum % variation of Plan G is 1.59%, with Council Districts 2 and 3 slightly under the target population to account for future growth. Plan G moves the following precincts:

Precincts 4-23 and 4-28 from Council District 3 to 1.

Precinct 13-38 from Council District 5 to 1.

Precincts 8-[2]1, 8-4, 8-5, 8-8 and 8-9 from Council District 4 to 2.

Precinct 9-23 from Council District 3 to 2.

Precinct 13-60 from Council District 4 to 3.

Precinct 13-11 and 13-44 from Council District 4 to 5.

Mrs. Rougeau also stated that the Commission could attempt to make some changes in the western portion of the County, perhaps by splitting precinct 6-1 so as not to displace Councilmember Dacek, but that it was not necessary to do so. George Sauer, of the Montgomery County Republican Committee, stated that the Commission should be aware of the impact of the ongoing Legislative Redistricting process as they draft Council Redistricting

plans. However, Mrs. Rougeau stated that the Commission's [charter] mandate is to focus on Council redistricting, and encouraged Commissioners not to plan with the legislative impacts in mind. Mr. Wolff, of Citizen PAC, suggested that in Plan G, precincts 8-5, 8-4, 8-1, 8-9, and 8-8 be placed in Council District 2 and precincts 8-10, 8-6, 8-11 and 8-2 be put in Council District 4, because the populations are very similar.

PUBLIC HEARING PREPARATION

Ms. Ford asked if the Commission was ready to select the plans for the September 10th public hearing at this meeting, or will the tentative August 20th meeting take place. The Commission agreed that it was necessary to hold the August 20th meeting to make recommendations for plans for the Public Hearing. In response to a question by Commissioner Plank, Staff informed the Commission that there is no limit on the number of plans that can be presented at the Public Hearing.

It was clarified that Commissioners will be able to make changes to submitted draft Plans prior to the August 20th meeting and after the September 10th Public Hearing. Pamela Zorich, Park and Planning, stated that any changes to Plans should come to her no later than August 13th for processing for the August 20th meeting.

To keep with previous processes, the Commission unanimously passed a motion by Commissioner Sher (seconded by Commissioner Berry) that Plan D be accepted at the meeting. A motion was requested by the Chair for all draft Plans presented at the August 6 meeting for review and comment be accepted by the Commission. A motion was made and seconded to accept the draft Plans.

Dale Tibbitts, Citizen PAC, asked if electronic data on each of the plans submitted would be provided to the public who did not receive copies of the memos explaining the precinct changes and goals of each plan. Ms. Zorich explained that the Park and Planning Department sells planning area tiger files, but that the charts, maps and memos for each plan would be placed on the Commission website at least one week prior to the August 20th meeting. She also stated that she will send Mr. Tibbitts, via e-mail, an Excel spreadsheet with the population numbers and precinct changes for each plan.

NEXT MEETING

The next Commission meeting will be on Monday, August 20th, at 7:00 PM at the COB 5th Floor front conference room.

Because this is an unscheduled meeting, Commission Plank asked if proxy voting would be allowed. Mr. Lattner of the County Attorney's office, stated that he would have to research a firm answer, but would assume that even in the instance of an unscheduled meeting, proxy voting is still prohibited. Mr. Lattner suggested that the Commission give preliminary approval to allowing proxy voting at the August 20th meeting, so that if it is legal, there will be no additional barriers.

The Commission unanimously passed a motion by Commissioner Lerch (seconded by Commissioner Plank) that *if approved for legality by the County Attorney, the Redistricting Commission will accept proxy voting, when in writing, for the August 20, 2001 meeting only.*

ADDITIONAL BUSINESS

Commissioner Plank informed the group that the Municipal League has placed Council Redistricting on their September 20th meeting agenda. (The time and location for this meeting will be announced at a later date.)

Chair Rougeau also mentioned that the Bethesda-Chevy Chase Breakfast Club is meeting on September 10th at 7:30 AM, and has invited Redistricting Commission members to come to discuss the County's redistricting efforts. The meeting will be at the Original Pancake House on Rockville Pike.

Chair Rougeau announced that Ms. Ford is leaving the Council to pursue a Master's Degree at Rutgers University, and will not Staff the Commission after this meeting. The Commission thanked Ms. Ford for her service and wished her well.

Mrs. Rougeau also introduced Carol Edwards, Council Staff, to the Commission , who will replace Ms. Ford as Commission Staff. The Commission welcomed Mrs. Edwards. The following is Mrs. Edwards' contact information: Phone – 240.777.7929 and E-mail – carol.edwards@co.mo.md.us.

ADJOURNMENT

The meeting adjourned at 8:56 PM.

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APPROVED MINUTES
(APPROVED -- SEPTEMBER 19, 2001)

MONTGOMERY COUNTY REDISTRICTING COMMISSION, 2001
MONDAY, AUGUST 20, 2001 AT 7:00 PM

5th Floor Conference Room - Council Office Building
Rockville, MD

COMMISSIONERS PRESENT

Shirley Small-Rougeau, Chair
Bill Sher
Jason Tai
Steve Berry
Jayne Plank
Harry Lerch
David Davidson
William Roberts

STAFF

Ralph Wilson, Council Staff
Carol Edwards, Council Staff
Pamela Zorich, Planner, Park & Planning
Ed Lattner, County Attorney's Office

COMMISSIONERS ABSENT

Andrew Morton

GUESTS

Dale Tibbitts, Citizen PAC
Bruce N. Deppa, Darnestown Civic Assoc.
Karl B. Hille, Reporter, Journal Newspapers
George Sauer, Republican Central Comm.
Nguyen Minh Chau, Councilmember
Town of Garrett Park
Margaret Jurgensen, Board of Elections
Peggy Erickson, Dacek Office
Joy Nurmi, Praisner Office

The meeting was called to order by Chair Rougeau at 7:00 PM.

Approval of Minutes

Chair Rougeau called for approval of the minutes of the previous meeting. After agreeing to a correction and a clarification on Plan B, the Commission voted unanimously to approve the August 6th minutes as amended. The Chair reminded the Commissioners that this was the final meeting before the public hearing. The purpose of this meeting is not only to present new plans but also to select plans that will be presented at the Commission Hearing. After the public has a chance to present its input, the Commission will make a decision as to the plan that will go forward to the Council.

Commissioner Sher asked whether there would be an opportunity for any of the Commission's plans presented to be amended after the public hearing before a decision is made. The Chair responded that there would be that opportunity particularly because there may be ideas from the public that the Commission may want to consider. Commissioner Plank asked when will the Plans be posted on the Internet (County Website). Ms. Zorich answered that the County will put the plans on the Internet once they are selected prior to the public hearing probably within a week.

At this point in the meeting the Chair asked if any guests had comments to make to the Commission. Ms. Chau, Councilmember from the Town of Garrett Park, informed the Commission that Lib Tolbert, Mayor of Barnesville asked her to convey that the two upCounty municipalities, Poolesville and Barnesville, were concerned about being split.

Presentation of Draft Plans

PLAN H

Commissioner Berry presented a new Plan H. Plan H was generated primarily because of the concern expressed by a citizen at the previous meeting about Sandy Spring, the size of District 2 and the difficulty of getting to know County Councilmembers. The goals of Plan H include: 1) respect for political subdivisions; 2) respect for communities of interest; 3) respect for incumbents; and 4) preservation of the core of existing districts.

As stated in Commissioner Berry's memo, the population in Council Districts 2 and 3 would have to be reduced while considering the criteria as mentioned above. Specifically, District 2 would have to be made smaller to make it more geographically compact. Commissioner Berry's Plan H reduces District 2 by moving 5 precincts south into Districts 1 and 4; the far western and the far eastern sides of District 2 are reduced by two and one-half precincts, creating a mirror image. As far as the population differentials, there was one change. Councilmember Andrews and Commissioner Berry had discussed Plan H and Councilmember Andrews thought it would be best if he moved precinct 4-23 which Commissioner Berry had moved from District 3 to 1, that it should stay in District 3. This would give a better percentage differential in District 3 and bring the population down in District 1. Mr. Berry reviewed the precinct shifts as listed below.

In Council District 4	from District 2 to 4	Precincts 8-06, 8-07, and part of 8-10
In Council District 1	from District 2 to 1	Precincts 3-01, 3-02, and part of 6-01
In Council District 1	from District 1 to 3	Precinct 4-23
In Council District 5	from District 1 to 5	Precincts 4-08 and 4-26
In Council District 5	from District 3 to 5	Precincts 4-15 and 4-27
In Council District 3	from District 2 to 3	Precinct 9-28

Commissioner Berry referred back to the question of defining the Greater Olney area. Plan H would separate Sandy Spring/Ashton, precincts 8-6 and 8-7, primarily on the basis of the land use planning and according to the nature of the community. Sandy Spring/Ashton are primarily rural. The land use plan in effect strictly limits growth. The core of Olney and Brookeville are characterized primarily by suburban tract housing. Mr. Berry eluded to the fact that the Post Office obviously sees the distinction of the two because they are assigned two different zip codes.

Mr. Berry indicated that in the Plan E population differentials, percentages are much lower and is intentionally unbalanced with the idea of keeping the communities together. However, he was not sure it would be appropriate to submit a plan that is intentionally unbalanced to the County Council. Plan H would be more balanced. Commissioner Sher felt that the Commission should consider the question of splitting precincts and the implications of doing so. After further discussion, Commissioner Berry decided to withdraw Plans E and F and replace them with Plan H.

Commissioner Roberts commented on Plan H. He was concerned that the Commission should either work with the Plans that it has now or was it starting with a blank slate. He feels that Plan H is a blank slate approach. He did not feel that using zip codes as a basis for shifting precincts is relative. He was also concerned that the dividing line between District 3 and District 1, which is Darnestown Road, would bifurcate Darnestown. Mr. Roberts reminded the Commission that the 1990 Redistricting Commission recommended splitting a precinct from that area and that the Darnestown community was very unhappy with the recommendation. As a result, the County Council changed the Plan that the Redistricting Commission had recommended to include the entire Darnestown community. He feels that the impact of splitting the upcounty municipalities of Poolesville and Barnesville is too radical and that it is an attempt to segregate a certain block of voters, and therefore could not agree with the Plan.

Commissioner Rougeau asked for clarification of the boundaries of Darnestown. Bruce Deppa, Chairman of the Darnestown Civic Association pointed out the boundaries on the Park and Planning Map. The boundaries appear to be Great Seneca Creek, Muddy Branch Creek to Riffleford Road down to Darnestown Road and Jones Lane.

Commissioners agreed that dividing Darnestown would be unacceptable.

PLAN I

The Chair, Ms. Small-Rougeau, presented a new Plan I, which replaces Plan G. Plan I attempts to minimize the impact of moving precincts en masse into a single district, causing a ripple effect and thereby desecrating the district into which they were moved. Plan G leaves the core of Olney together in District 2. The plan creates a split of precinct 8-10 at Old Baltimore Road from Georgia Avenue to Route 108. This split separates the portion of the precinct known as Southeast Regional Olney Civic Association (SEROCA) and the communities of the Highlands of Olney and Camelback Village. These two communities have a population of over 3000 while the southern portion is sparsely populated with less than 1000 residents. This portion

is most similar to Sandy Spring where very little or no growth is expected; both are rural in nature and are surrounded by park and recreational facilities. Plan I was designed to keep District 4 manageable in size yet balanced numerically. This configuration would enable the elected representative to regularly interact with constituents in a meaningful way. On the Western side of the County, the plan splits precinct 6-1; however, in generating this plan, the Chair was unaware of the entirety of Darnestown as viewed by the "communities of interest". The goal of this split was to create a better balance in numbers with both the Eastern and Western sides of the County giving up territory in District 2, leaving it more balanced geographically.

Ms. Rougeau pointed out that Council Districts 2 and 3 are likely to experience the most growth in the next ten years, whereas 4 and 5 are pretty much stable.

Commissioner Plank asked if the Commission had decided how many plans to take to the public hearing, if there was a limit, or if there was a decision to withdraw any. At this point, Plans E and G were withdrawn and F was left on the table.

Commissioner Plank also inquired as to what the rationale was for the difference between Plan H and Plan I. Ms. Rougeau explained that Plan I would keep the core of Olney together. However, the Chair explained that the other option to achieve the goal of this move would have been to move 6-1 south into District 2, but considering the impact of Councilmember Dacek, she chose not to do that. This would however, have kept Darnestown intact, which is the goal of some of the other plans. Chair Rougeau asked if the Commission wanted Plan I to be taken off the table as of the August 20 meeting or could it be amended sometime before the public hearing. Another option offered was to amend Plan I and send it out to the Commission before the advertisement of the public hearing. Commissioner Roberts reiterated that the Commission had agreed that any plans recommended to be taken to the public hearing were to be presented at the August 20 meeting. Chair Rougeau then agreed to put Plan G back on the table for presentation at the public hearing and to withdraw Plan I.

Plan G was amended by moving precincts 4-15, 4-28, and 4-27 from District 3 to Council District 1. The Commissioners agreed that Plan G would become Plan J.

Commissioner Berry asked that Plan F be amended to move precinct 4-20 back from District 1 to Council District 3. The Commission agreed to this amendment and Plan F was renamed to Plan K. Plans B, D, H, J and K remained on the table.

Ms. Rougeau, asked if there were any objections from the Commissioners to the remaining five plans going forth to the Commission's public hearing. Ms. Zorich displayed each of the plan maps including new ones as amended for the Commissioners to review.

Commissioner Berry asked for another review of Plan H and requested that the numbers be worked up by Planning Staff if there was a split (precinct 6-1) along River Road. Mr. Roberts stated that he was against bifurcating rural areas as this recommendation would do. Planning Staff confirmed that splitting 6-1 south along river Road would not yield adequate population in the southern portion due to the scarcity of housing along that corridor.

Commissioner Roberts made a motion to submit Plans B, D, J and K to the public hearing. Commissioner Plank seconded the motion and the motion was approved that Plans B, D, J and K would be presented to the Commission's public hearing on September 10.

Public Hearing Process

Council Staff Ralph Wilson, reviewed for the Commissioners a Tentative Redistricting Schedule (see schedule included in the packet). Specifically he reviewed the Commission's public hearing and final report process. Mr. Wilson reminded the Commission that it should schedule its work sessions and work toward finishing the final report to meet the Council's schedule for action on December 11. Commissioners were reminded that only one plan will be forwarded to the Council in the final report. The Commission agreed upon the following issues pertaining to the public hearing:

- It was suggested that elected officials should have the option to speak first at the hearing.
- A notice will be circulated which will notify the public that the Plans will be posted on the County's website.
- The Commission agreed to hold the record open for written comments for 5 days after the public hearing to the close of business on September 17. Carol Edwards will forward to the Commission or bring to the worksession on September 19 any written comments submitted.

Next Meeting

The next Commission meeting will be held on September 19th, at 7:00 p.m. at the Council Office Building. October 3rd will remain open if the Commission needs another worksession.

Other Business

Chair Rougeau reminded the Commissioners about the Municipal League meeting on September 20 at 7:00 p.m. The meeting place is to be determined.

Note: The Bethesda-Chevy Chase Democratic Club's will have its breakfast meeting on September 10 at 7:30 a.m. at the Original House of Pancakes on Woodmont Avenue in Bethesda.

Meeting adjourned at 9:24 p.m.

APPROVED MINUTES
(APPROVED OCTOBER 3, 2001)

MONTGOMERY COUNTY REDISTRICTING COMMISSION, 2001
WEDNESDAY, SEPTEMBER 19, 2001 AT 7:00 PM

6th Floor Conference Room - Council Office Building
Rockville, MD

COMMISSIONERS PRESENT

Shirley Small-Rougeau, Chair
Bill Sher
Andrew Morton
Steve Berry
Jayne Plank
Harry Lerch
David Davidson
William Roberts

STAFF

Ralph Wilson, Council Staff
Carol Edwards, Council Staff
Pamela Zorich, Planner, Park & Planning
Ed Lattner, County Attorney's Office

COMMISSIONERS ABSENT

Jason Tai

GUESTS

Dale Tibbitts, Citizen PAC
Joy Nurmi, Praisner Office
George Sauer, Republican Central Committee
Peggy Erickson, Dacek Office

The meeting was called to order by the Chair at 7: 10 p.m. The Commission Chair asked the Commissioners and guests to observe a moment of silence in reverence for the victims and families affected by the tragedy in New York and the Pentagon.

The Chair summarized Commission Plans, (B, D, J and K) presented at the public hearing. She discussed the major objections to each Plan which were mentioned by those who testified. Plan J – people who objected to the Plan objected specifically to splitting Olney down Georgia Avenue. Plan K – there no were objections to splitting Olney. Plan K kept Aspen Hill together as did Plan J. Plan B – there was a great deal of discussion about taking Precincts 4-19 and 4-3 out of District 3 and putting them into District 4. Several comments were made and letters were received about splitting Aspen Hill. Plan D - the same thing occurred but this plan removes two precincts 6-3 and 6-5 from District 3 and puts them into District 2.

Public Hearing Testimony (Letters) – Comments

Town of Brookeville Letter - The Commission heard many comments about the Town of Brookeville. Once again the question was posed as to what is Olney and also who represents

Brookeville. The letter from the Town of Brookeville clearly and strongly refutes Mr. Esser's testimony. The Town of Brookeville submitted a letter reflecting strongly that no position was ever taken on any Commission Plan as stated by Mr. Esser in his testimony at the public hearing. The Chair commented that the villages and communities that are represented by the GOCA are very distinct and independent communities and could stand alone if their precinct is divided from what is considered Greater Olney. The Chair also reminded the Commissioners that they also heard Mr. Gordon testify that Precincts 8-8 and 8-4 were also part of Greater Olney. However, Commissioners believe these precincts to be part of Derwood and part of Rockville. The Chair asked that Commissioners take into consideration what was said at the public hearing as well as in the letters and come up with a Plan. She stated that the bottom line is that they need to have a plan that the Council is going to accept. The Chair reminded the Commissioners that they would have failed if we present a plan that the Council has to go back and totally redesign. At this point in the meeting the Chair asked the Commissioners if they had any additional comments about what they heard at the Commission's public hearing.

Commissioner Morton commented on Mr. Esser's testimony about the Town of Brookeville taking up the Redistricting Commission Plans on its agenda. The Olney Chamber of Commerce letter stated that it does not take a position on redistricting although Mr. Esser stated for the record that it has been discussed by the Chamber of Commerce. He noted that both the Town of Brookeville and Olney Chamber of Commerce letters refute Mr. Esser's comments in the record. The Chair reminded the Commissioners that they must be mindful of the type of information people present. As a result of the information presented about Olney, Ms. Rougeau went out and asked questions from officials of other associations to make sure they were not being misled by individuals representing other groups. Ms. Rougeau also stated that she had a letter in her possession at the hearing from GOCA, which listed all its members. Ms. Rougeau spoke with many of them and they basically said the same thing, that Mr. Esser was not representing them.

Approval of August 20th Minutes

The Chair asked if the Commissioners had any changes to the August 20 minutes. No changes or corrections were made. The Commissioners moved and seconded the motion to approve the August 20 minutes as submitted.

Public Comments

The Chair asked for public comments from visitors. Mr. Tibbits submitted a revised list of Civic and Homeowner Associations which are split in the Plans presented at the Commission's public hearing. Mr. Sauer asked about the testimony presented by the representative of the Hispanic Community. Ms. Rougeau stated that as a member of a minority group, and having coalesced with the Hispanic Democratic Club as well as others, that she understood the concern was about the concentration or high numbers of ethnic minorities being split and the possibility of the minority power base being diminished. The Commissioners discussed the testimony by Deloris Milmoie who asked that the Agricultural Preserve area not be split. It was mentioned that Ms. Milmoie had offered to provide the Commission a list showing which areas are included in the Agricultural Reserve. Council Staff, Ralph Wilson stated that he

might have a document which contains that information if anyone is interested. Ms. Rougeau stated that she didn't feel that it would create a negative impact to have the Agricultural Reserve in different districts because most of the farming that still goes on in Montgomery County occurs in a certain area.

Review of Final Plans

Plan B – Plan B will remain as is.

New Plan L – Presented by Commissioners Davidson and Sher.

Commissioner Davidson stated that after the Commission hearing, he and Commissioner Sher looked at all four plans to see what could be done to satisfy most of what they heard. He thought it was necessary to keep the core of Olney together without distorting the variation too much. He felt that Plan K, submitted by Commissioner Berry, came close to doing this but it had a variation of 4.9%. Changes were made to Plan K which resulted in Plan L. Precinct 8-7 was split along Georgia Avenue, because otherwise the connection between Olney and District 2 would be very small. This was done to establish greater continuity.

Precinct 9-7 would be moved back into District 2. They also put precinct 4-23 back into District 1. The Commissioners felt that this seemed to answer all of the desires or as many of the concerns as possible. Precincts 6-3 and 6-5 would be moved back into District 3. Aspen Hill and Manor Lake were moved back into District 4 and Derwood was moved back into District 3. Commissioners Davidson and Sher decided that Plan D would not go forward and withdrew Plan D from consideration. The total variation would be 3 percent. Commissioner Plank expressed an observation that the largest District is District 2 with the most population and the one that is expected to grow.

Commissioner Sher stated that he checked all the supplemental testimony and went through all the specific recommendations and suggested that Plan L conforms to all of those recommendations.

Commissioner Lerch asked what the effect would be if precinct 8-7E were moved into District 2 and suggested that it would seem to answer the concerns of Olney.

Commissioner Morton commented that he would not want to have District 2 be the largest district.

Commissioner Roberts commented that there was no feedback from the public on moving precinct 9-7. He suggested moving precinct 9-7 into District 3 (as Plan K did) which would create a variation of 3.5% and reduce the size of District 2. The entire precinct 8-7 would go back into District 2. Commissioner Berry disagreed with moving these two precincts. He felt that 9-7 should be part of Montgomery Village.

At this point in the meeting there was a lengthy discussion about Montgomery Village and the City of Gaithersburg. Mr. Tibbits also offered a new strategy and Park and Planning

Staff, Pamela Zorich manipulated the Plan maps to show the effects of Mr. Tibbitts suggestions. It was unanimously agreed that the Council would not approve the suggested changes made by Mr. Tibbitts.

Plan L (Continued discussion)

Commissioner Morton commented again that District 2 should not be the largest district. He asked if there could be a consensus to amend the Plan to move precinct 9-7 to bring the population down. Mr. Berry stated that maybe a slightly larger District 2 is the price to have to pay.

Commissioner Sher suggested that the Commission should look further at the impact of the proposal to move precincts 9-7 and 8-7 back to District 3. He suggested that Plans K and L should be brought back to the October 3 meeting. Mr. Roberts suggested that the Commission ask Pam Zorich to prepare a new Plan M. Plan M would take Plan L and move precinct 9-7 to District 3, and to generate a new Plan N but with the addition of moving precinct 8-7E back to District 2. The Commissioners decided to keep Plan L on the table and generate new Plans M, N and O for the next meeting.

The Chair restated that the Commissioners should expect to agree on a Plan at the October 3 meeting.

Other Business

The Commissioners pointed out that there were names misspelled and some other discrepancies in the Commission's public hearing transcript. Council Staff will see that these issues are resolved for the record.

A motion was made and seconded to adjourn the meeting. The meeting adjourned at 8:40 p.m.

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APPROVED MINUTES
(APPROVED OCTOBER 18, 2001)

MONTGOMERY COUNTY REDISTRICTING COMMISSION, 2001
WEDNESDAY, OCTOBER 3, 2001 AT 7:00 PM

6th Floor Conference Room - Council Office Building
Rockville, MD

COMMISSIONERS PRESENT

Shirley Small-Rougeau, Chair
Bill Sher
Andrew Morton
Steve Berry
Jayne Plank
Harry Lerch
David Davidson
William Roberts
Jason Tai

STAFF

Ralph Wilson, Council Staff
Carol Edwards, Council Staff
Pamela Zorich, Planner, Park & Planning
Ed Lattner, County Attorney's Office

GUESTS

Dale Tibbitts, Citizen PAC
Joy Nurmi, Praisner Office
George Sauer, Republican Central Committee
Martha Cadle, Montgomery Village Resident
Ann Swain, Montgomery Village Resident
Richard Wright, Montgomery Village Foundation
Jan Watson, District 39 Area Coordinator
Steve Henry, Precinct Chairman 9-7
Marie VanWick, Montgomery Village Resident
Jane Wilder, Precinct 9-7 Vice Chair
Richard Wilder, Montgomery Village Resident

The meeting was called to order by the Chair at 7: 04 p.m.

Overview

The Chair, Ms. Small-Rougeau, commented that since February the Commission has put several plans on the table, and has looked at every municipality, district and precinct in order to achieve their goals. She asked the Commissioners to think about what they had said at the first meeting about their desires and objectives for serving on the Commission and to compare that to where they are today. She reminded the Commissioners that their task is to make all the districts as equal with the new census data they have, while also making them compact and contiguous. We must also remain within the letter of the law at all times. The objective tonight is to go away at the end of this meeting with a Plan because there are other important tasks to be completed

before our deadline. We all desire to give the Council a high quality product that we can be proud of.

The Chair asked the Commissioners/staff and visitors to introduce themselves.

Approval of September 19 Minutes

Chair Rougeau asked for approval of the minutes of the previous meeting. The Commissioners moved and voted unanimously to approve the September 19th minutes as submitted.

Public Comments

Visitors from Montgomery Village were asked to make comments.

Dick Wright, President, Montgomery Village Foundation Board of Directors. Mr. Wright presented and distributed to the Commission for the record, written testimony on behalf of the Montgomery Village Foundation. As stated in the written testimony, Montgomery Village is concerned about precinct 9-7 being split from District 2. Montgomery Village is totally against this proposal (see testimony submitted).

Martha Cadle, Montgomery Village Resident. Ms. Cadle testified that maybe some people think that the library is in Gaithersburg. The Gaithersburg-Montgomery Village Regional Library is located in the Town Sector zone of Montgomery Village. She also has a copy of a deed that shows that Kettler brothers deeded the property to the County for the purpose of building a library in 1977. Ms. Cadle submitted a map of the Town Sector zone which shows where the library is located. She also stated that Montgomery Village wants to be in one district and does not want to be separated and suggested that the Commission could annex precincts 9-22 and 9-23 that are not in the Village rather than precinct 9-7. Ms. Cadle submitted other written materials.

Jane Watson, Area Coordinator, Montgomery Village. Ms. Watson is against moving precinct 9-7.

Ann Swain, Montgomery Village Resident. Ms. Swain agreed with Ms. Watson and asked the Commission not to move precinct 9-7.

Jane Wilder, Democratic Vice Chair of Precinct 9-7. Ms. Wilder stated that Precinct 9-7 is a key part of Montgomery Village. She is against moving precinct 9-7.

Richard Wilder, Montgomery Village Resident. Mr. Wilder feels that it is important to keep the Village together because of the excessive development going on in Gaithersburg and Germantown. Does not want precinct 9-7 moved.

Steve Henry, Precinct Chair 9-7, Montgomery Village. Mr. Henry adamantly opposed moving his precinct (9-7) to District 3. He stated that over the years he had spent a lot of time building up this precinct.

The Chair reminded the visitors that ultimately the County Council could change the Plan recommended by the Commission. She also stated that the County Council will hold a public hearing on the recommended Plan, at which time the public will have another opportunity to comment.

Plan L Review

The Chair reminded the Commissioners that at the previous meeting (September 19) Plan L was on the table. She suggested that the Commission review Plan L further, and look at the possible changes to precincts to equalize the population.

Commissioner Davidson summarized the goal of Plan L. He stated that the goal of Plan L is to reconsider all positions taken at the public hearing in respect to the various communities. Plan L moved precincts 6-3 and 6-5 into District 3. Plan L strives to keep the population as close to the target population in every district while keeping the core of Olney in one district and considering the concerns of Aspen Hill and North Potomac. The Plan attempts to meet the legal requirements and the ideal target population of 174,668.

Commissioner Berry commented on the concern of the Olney community's strong feeling to keep the core of the community together.

Plans M through Q

Commissioner Roberts opened his comments in response to the concerns expressed by the residents of Montgomery Village. He noted that the action of the Commission in moving Precinct 9-7 from District 2 to District 3 was not approached in a cavalier manner, nor had any of the work done by all of the Commissioners in moving selected precincts been approached anything close to a cavalier manner. Mr. Roberts explained that the proposed shift of Precinct 9-7 was based upon a number of factors: 1) the strong testimony received by the Commission to keep all of Precinct 6-1 in District 2; 2) the testimony from a number of groups and individuals in the Olney area seeking to keep the greater Olney area in a single district; 3) the Commission's stated goal that it would not split any municipality, such as Gaithersburg or Rockville, between different districts; 4) the fact that District 2 simply must lose some of its excess population; and 5) the fact that, if a particular district is to have a variation off of the ideal number of 174,668 persons, it would be preferable to have a negative number in District 2, since that is the district that most likely will experience the most growth before the next census and the next redistricting ten years hence.

Commissioner Roberts then reviewed Plans M through Q. Commissioner Roberts noted that Plans M, N and O were provided as background information to show how the population and percentage variations would change with moving each of the three proposed precincts as discussed at the Commission's meeting of September 19 in reviewing Plan L.

Plan M was based upon Plan L, with simply moving Precinct 9-7 from the proposed District 2 to the proposed District 3. This would result in a -2.31% variation in District 2, which is preferable, but would result in a maximum percentage variation of 5.56 overall, which is substantially more than the 3% variation in Plan L as originally proposed.

Plan N also moved Precinct 9-7 from District 2 to District 3, but also moved Precinct 8-7E from District 4 back into District 2. This change reduced the variation in District 2 to -1.38%, and also reduced the maximum variation for all districts off of the zero mark to 4.93%.

Plan O, in addition to moving Precinct 9-7 into District 3 and Precinct 8-7E into District 2, also moved Precinct 9-23 into District 2. These combined three changes resulted in a negative variation in District 2 of .06%, and a maximum percentage variation of 3.60%.

Plan P was a variation of Plan O, and simply moved Precinct 8-7E back into District 4 as proposed in Plan L reviewed at the Commission's September 19 meeting. Plan P resulted in a negative variation in District 2 of .98%, and reduced the total maximum percentage variation off of zero to 2.9%, .1% less than Plan L.

Finally, Commissioner Roberts presented to the Commission what he described as a more ambitious plan to reduce the maximum percentage variation further, yet continue to keep the entirety of the existing Precinct 8-7 within District 2, which Commissioner Roberts indicated he believed was more appropriate to be part of District 2, given its rural nature. Plan Q also built off of Plan L with the following changes: move Precinct 9-23 from District 3 to District 2; 9-7 from 2 to 3; 4-27 from 3 to 1; 4-26 from 1 to 5, 13-63 from 5 to 4; and 8-7E from 4 to 2. Commissioner Roberts explained that he based these various changes upon previous plans submitted by democratic members of the Commission and also took into consideration, as nearly as practicable, testimony received by the Commission from various groups and individuals at its public hearing of September 10.

Commissioner Roberts indicated that Plan Q would appear to address, to the maximum extent possible, the interests of having District 2 at or below the ideal target population. Plan Q would have a -0.06% variance in District 2. Plan Q also would allow the entirety of 8-7 to remain in District 2. Finally, the total maximum variation for Plan Q would be 1.59%, with a maximum variation in all precincts of +.82% in District 3, and -0.77% in District 5. Commissioner Roberts requested that the Commission seriously consider the advantages presented by Plan Q, notwithstanding the concerns of residents of Montgomery Village in attendance at the Commissioner's meeting.

The Commission continued to discuss the boundaries of Montgomery Village. Mr. Wright presented a map for the Commission, citing the boundaries of Montgomery Village. The Chair, Ms. Small-Rougeau, also distributed to the Commission a map of precinct 9-7.

Commissioner Sher assured the representatives from Montgomery Village that the Commissioners had reviewed and taken into consideration all the comments made throughout all the Commission meetings; and that the concern of the Montgomery Village community was taken up at the September 19 meeting.

Commissioner Berry commented on precinct 8-7. He stated that precinct 8-7 is characterized by large lot development and is more of an agricultural area further west. He feels that it is legitimate to keep this precinct with the Sandy Spring area.

Commissioner Davidson continued the discussion on Plan L. Plan L puts precinct 9-7 into District 2 and leaves precinct 8-7E out. Plan L keeps the core of Olney and Montgomery Village in tact.

Commissioner Sher made a motion that the Commission should approve Plan L and the motion was seconded. The Chair asked for a show of hands on Plan L. Five (5) Commissioners, Small-Rougeau, Tai, Sher, Davidson and Berry voted in favor. Two (2) Commissioners, Roberts and Morton voted against. Commissioners Plank and Lerch did not vote at this point. Commissioner Plank suggested that the Commission consider putting precinct 8-7E back into District 2. However, she expressed concern that District 2 is still the largest district and the one projected to grow in the next 10 years. Commissioner Morton stated that he would not vote on a Plan that shows District 2 as the largest district. The Chair asked for another vote and the same five Commissioners who voted in favor of the Plan voted yes again. The Chair asked if the Commissioners needed additional time for discussion and if there was any unreadiness to vote. Commissioner Lerch asked the Chair if it would be appropriate to have a recess. At this point, the Commission recessed.

When the meeting resumed the Chair asked if the Commissioners needed to have any additional discussion. Commissioner Lerch said he was still troubled with the size of District 2. Commissioner Plank asked whether the Commission had the option to present a better Plan at the next meeting on October 18. Ms. Rougeau reminded the Commission that they had tweaked many Plans to come up with the two Plans and that they do have a deadline. Mr. Roberts agreed that the Commission should come up with a Plan at tonight's meeting but they could still reconsider something and come back with a better Plan.

The Chair asked the Commissioners to vote again on Plan L. Commissioner Sher restated his motion to adopt Plan L. Commissioners Small-Rougeau, Tai, Davidson, Sher and Berry voted yes. Commissioners Roberts, Plank, Morton and Lerch voted no. On a vote of 5 to 4, Plan L was adopted as the Commission's Plan to submit to the Council.

Commissioner Morton made a motion to adopt Plan Q as a substitute plan. Four (4) Commissioners, Lerch, Roberts, Plank and Morton voted in favor of Plan Q. Five (5) Commissioners, Small-Rougeau, Berry, Davidson, Sher, and Tai were opposed. Plan Q failed.

Final Report

Council staff indicated that staff from the Board of Elections would develop the geographic description of the various Council Districts for the final report.

The Chair stated that although the final report is primarily the Chair's responsibility, she welcomed input from any of the other Commissioners. Mr. Lattner will review the report for

legal issues. Commissioner Roberts offered to write a section commenting on how the Commission worked with the recent changes in the Charter. Commissioner Roberts noted that at least one individual at the September 10 public hearing requested that the Commission include as an appendix to its report to the County Council with a suggestion that all positions on the Montgomery County Council be elected by councilmanic district, thereby increasing the total number of districts and, according to that individual, making the job of the Commission somewhat easier, as well as, according to that individual, affording more opportunity for participation of candidates in councilmanic elections. Commissioner Roberts noted that in his opinion such an appendix would be unnecessary and inappropriate. Instead, he pointed out that Montgomery County has a standing Charter Review Commission, and it is the Charter Review Commission that is charged with the responsibility of considering and recommending proposed charter amendments to the County Council to be placed on the ballot.

Consequently, Commissioner Roberts suggested that although the matter of changing the number of councilmanic districts would not be appropriate for consideration or review by the Redistricting Commission it may be appropriate for the Commission to forward a copy of the subject public hearing testimony to the Charter Review Commission for their consideration, without comment or approval by the Redistricting Commission. The Chair stated that she thought a transmittal letter to the Charter Review Commission with a copy of the testimony attached would be appropriate, while making it clear that the Redistricting Commission had no position on that particular issue. Commissioner Roberts agreed to prepare a draft letter to the Charter Review Commission for the Chair's signature.

Commissioner Davidson volunteered to write a rationale for the recommended plan to be included in the final report.

The Chair asked that inputs for the report be presented at the October 18 meeting.

The Commission agreed to meet on October 18 and tentatively scheduled another meeting on October 29. Commissioners will determine if the October 29th meeting is necessary at the October 18th meeting. Copies of the Commission's meeting schedule were distributed to the representatives of Montgomery Village.

Meeting adjourned at 8:45 p.m.

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List of Public Hearing Speakers

Peter Menke, Mayor
Town of Barnesville

Tom DeGraba
The Willows and Neighbors Citizens Association

Jim Grant
North Potomac Citizens Association

Arnold Gordon
Norbeck Meadows Civic Association

Charles Sye
Individual

Bruce Deppa
Darnestown Civic Association

Marilee Diebel
Individual

Ed Milenky
Individual

Dolores Milmoie
For A Rural Montgomery

Peter Esser
Partnership for a Unified Olney

Art Brodsky
Greater Olney Civic Association

Jerry Garsen
Individual

Lillian Cruz
Hispanic Democratic Club of Montgomery County

Dale Tibbitts
Individual